



FOLEY & LARDNER LLP

ATTORNEYS AT LAW
 11250 EL CAMINO REAL, SUITE 200
 SAN DIEGO, CA 92130
 P.O. BOX 80278
 SAN DIEGO, CA 92138-0278
 TELEPHONE: 858.847.6700
 FACSIMILE: 868.792.6773
 WWW.FOLEY.COM

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TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Mail Stop Amendment Examiner: Unsu Jung Art Unit: 1641		571-273-8300

From : Barry S. Wilson
Email Address : bwilson@foley.com
Sender's Direct Dial : 858.847.6722
Date : October 5, 2006
Client/Matter No : 071949-5604
User ID No : 3067

U.S. Application No.: 10/728,067
 Docket No.: 071949-5604

MESSAGE:

Please find enclosed:

Transmittal (3 pages);
 Response to Restriction Requirement and Interview Summary (3 pages).

If there are any problems with this transmission or if you have not received all of the pages, please call 858-847-6700.

Operator:	Time Sent:	Return Original To:
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Cover Page 1 of 1

DLMR_283108.1

PAGE 1/7 * RCVD AT 10/5/2006 7:09:16 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/19 * DNIS:2738300 * CSID: * DURATION (mm:ss):02:10

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NO. 5954 P. 2

OCT 05 2006

Atty. Dkt. No. 071949-5604

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Buechler et al.

Title: USE OF THROMBUS
PRECURSOR PROTEIN AND
MONOCYTE
CHEMOATTRACTANT
PROTEIN AS DIAGNOSTIC AND
PROGNOSTIC INDICATORS IN
VASCULAR DISEASES

Appl. No.: 10/728,067

Filing Date: 12/03/2003

Examiner: Unsu Jung

Art Unit: 1641

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
<i>Vanessa E. Agha</i> (Printed Name)	
<i>Vanessa E. Agha</i> (Signature)	
October 5, 2006 (Date of Deposit)	

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

[X] Response to Restriction Requirement and Interview Summary (3 pages).

[X] The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	13	-	44	= 0	x \$50.00 = \$0.00
Independent Claims:	1	-	2	= 0	x \$200.00 = \$0.00

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OCT 05 2006

Atty. Dkt. No. 071949-5604

First presentation of any Multiple Dependent Claims:	+	\$360.00	=	\$0.00
			CLAIMS FEE TOTAL	\$0.00

[] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[] Extension for response filed within the first month:	\$120.00	\$0.00
[] Extension for response filed within the second month:	\$450.00	\$0.00
[] Extension for response filed within the third month:	\$1,020.00	\$0.00
[] Extension for response filed within the fourth month:	\$1,590.00	\$0.00
[] Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL: \$0.00		
[] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL: \$0.00		
[] Small Entity Fees Apply (subtract 1/2 of above):		\$0.00
TOTAL FEE: \$0.00		

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Atty. Dkt. No. 071949-5604

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 10/05/2006

By Barry Wilson

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

Richard Warburg, Reg. No. 32,327
By Barry S. Wilson, Reg. No. 39,431
Attorney for Applicant

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NO. 5954 P. 5

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OCT 05 2006 Atty. Dkt. No. 071949-5604

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Buechler et al.

Title: USE OF THROMBUS
PRECURSOR PROTEIN AND
MONOCYTE
CHEMOATTRACTANT
PROTEIN AS DIAGNOSTIC AND
PROGNOSTIC INDICATORS IN
VASCULAR DISEASES

Appl. No.: 10/728,067

Filing Date: 12/03/2003

Examiner: Jung, Unsu

Art Unit: 1641

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I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
_____ Vanessa E. Agha (Printed Name)	
Vanessa E. Agha (Signature)	
_____ October 5 2006 (Date of Deposit)	

RESPONSE TO A RESTRICTION REQUIREMENT
AND INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is responsive to a Restriction Requirement mailed September 11, 2006.

The Examiner has divided claims 1-44 have into two groups:

Group I: Claims 1-31, drawn to method of predicting a risk of one or more future clinical outcomes for a subject suffering from a vascular disease, classified in class 435, subclass 7.1, for example; and

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Group II: Claims 32-44, drawn to a method of diagnosing atherosclerosis in a subject, classified in class 435, subclass 13, for example.

Applicants hereby elect Group II, claims 32-44 for examination.

Regarding the species election for Group II, Applicants hereby elect as follows:

List I (Risk Factors): elect "sex"

List II (Subject-Derived Markers) elect "markers related to myocardial injury markers."

The elected species read on claims 32-44.

The undersigned called the Examiner on October 5, 2006 to discuss the Group II species election on page 8 of the Restriction Requirement. It was agreed that item "a" (monocyte chemoattractant protein-1) was to be deleted from List II "Subject-Derived Markers" because this item is a requirement of all the Group II claims. Thus, the Examiner agreed that Applicants are required to choose a single species from items b to g under the List II "Subject-Derived Markers."

No fee is believed due with this filing, however, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16 1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

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If any extensions of time are needed for timely acceptance of papers submitted herewith,
Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of
any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date October 5, 2006

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

By Barry Wilson
Richard Warburg, Reg. No. 32,327
By Barry S. Wilson, Reg. No. 39,431
Attorney for Applicant

DLMR_289396.1

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